Cumberland Town Council

Ordinance 2019–03

An Ordinance Re-Establishing the Cumulative Capital Development Fund and Increasing the Cumulative Capital Development Tax Rate

Whereas, the Cumberland Town Council previously established a Cumulative Capital Development Fund (“CCD Fund”) and imposed a tax levy for it under Indiana Code §6-1.1-41 to provide money for authorized purposes for which property taxes may be imposed in accordance with Indiana Code §36-9-15.5, including but not limited to the purchase, construction and maintenance of public buildings and equipment therefor, acquisition of land and improvements that are necessary for construction of public buildings, for the demolition of any improvements on land to be acquired to level grade and prepare land for construction of a public building, provide funds for a cumulative drainage fund, acquire land or rights-of-way to be used for public ways or sidewalks, construction and maintenance of public ways or sidewalks, acquire land or rights-of-way for the construction of sanitary sewers or storm sewers, or both, to construct or maintain sanitary sewers or storm sewers or both, to purchase, lease or pay for all or part of a utility, to acquire, by purchase or lease, land, buildings or rights-of-way for the use of any utility that is acquired or owned by the Town, to purchase or acquire land, with or without buildings, for park or recreational purposes, to purchase, lease or pay all or part of the purchase price of motor vehicles for the use by the police department, to retire in whole or part or in part any

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general obligation bonds of the Town, to purchase or lease equipment and
other non-consumable personal property needed for any public transportation
use, to purchase or lease equipment to be used to illuminate a public way or
sidewalk, to purchase, lease, upgrade, maintain or repair computer
hardware, computer software, wiring and computer networks, communication
access systems used to connect with computer networks or electronic
gateways, to pay for the services of full-time or part-time computer
maintenance employees, to conduct nonrecurring in-service technology
training of employees, and to purchase body armor for active members of the
Town police department; and

Whereas, the Town Council desires to re-establish the CCD Fund and
raise the tax rate to the maximum rate allowed by law; and

Whereas, the current tax rate for the CCD Fund is $0.0167 per $100 of
assessed valuation, and the maximum property tax rate for the CCD Fund
under Indiana Code §36-9-15.5 is $0.0333 per $100 of assessed valuation; and

Whereas, the Town Council desires to re-establish the CCD Fund and
to increase the tax rate for the fund to $0.0333 per $100 of assessed
valuation; and

Whereas, introduced this ordinance on February 20, 2019; and

Whereas, the Council provided to the taxpayers of the Town of
Cumberland notice of this proposed ordinance and of the public hearing, as
required by Indiana Code §5-3-1, by publishing on March 6, 2019 and March

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13, 2019 by posting notice of the public hearing in the Indianapolis Star and Daily Reporter two newspapers of general circulation in Marion County and Hancock County, Indiana; and

Whereas, the Council will conduct a public hearing on the proposed ordinance on March 20, 2019 at which time no taxpayers testified regarding the proposed tax rate; and

Whereas, the Council has purposes for which the funds can be spent and desires to increase the CCD Fund’s tax rate at the maximum amount allowed by Indiana Law; and

Whereas, the Council finds that the Cumulative Capital Development Fund should be re-established and that the tax rate should be increased to $0.0333 per $100 assessed valuation.

It is therefore ordained by the Cumberland Town Council that:

Section 1. Cumulative Capital Development Fund Establishment. The Cumberland Town Council hereby establishes the Cumulative Capital Development (CCD) Fund pursuant to Indiana Code § 6-1.1-41, to be used for the purposes allowed and set forth in Indiana Code § 36-9-15.5, and now establishes the rate to be $0.0333 per $100 assessed valuation on all taxable real property in Cumberland, Indiana.

Section 2. Tax Rate. The Cumberland Town Council now levies a property tax to provide funds to the CCD Fund. The property tax will not exceed $0.0333 per $100 of assessed valuation. This tax rate will be levied beginning with taxes for 2019 and payable in 2020.

Section 3. DLGF Approval. The Cumberland Town Council directs the Town of Cumberland Clerk-Treasurer to submit, to the Indiana Department of Local Government Finance, all proofs of publication of the notices to affected taxpayers and the Council’s public hearing held on March 20, 2019 and a certified copy of this ordinance, as provided by Indiana Code § 6-1.1-41-4, as the Town’s proposal for establishing the CCD Fund and imposing a tax levy.
by the Town to be approved by the Department of Local Government Finance. This proposal must be submitted to the Indiana Department of Local Government Finance by April 1, 2019, in accordance with Indiana Code § 6-1.1-41-5.

Section 4. Publication of Notice of Adoption. The Clerk-Treasurer shall publish notice of adoption of this ordinance within 30 days of the adoption of this ordinance.

Section 5. Advertisement. The Clerk-Treasurer shall annually advertise this tax levy in the same manner as other tax levies are advertised.

Section 6. Repeal of Conflicting Ordinances. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 7. Duration and Effective Date. The provisions of this Ordinance shall become effective immediately and remain in full force and effect until repealed by ordinance.

   **It is further ordained** that the Town of Cumberland Code of Ordinances, section 00-03-32-22, shall be amended and the amended section shall read in accordance with provisions contained herein.

   **It is further ordained** that any other provision of the Code Book which is not specifically amended by this ordinance shall remain in full force and effect.

Adopted March 20, 2019.